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or property paid out may be recovered, as there is a *locus pœnitentiæ* so long as the contract remains executory. *Eastern, etc., Co. v. Webb, etc., Co.*, 195 Mass. 356, 81 N. E. 251; *Kiewert v. Rindskopf*, 46 Wis. 481, 1 N. W. 163, 32 Am. Rep. 731. See *Monaham v. Monaham*, 77 Vt. 133, 59 Atl. 169, 70 L. R. A. 935. The underlying reason of the rule is to encourage the repudiation and abandonment of illegal agreements. *Falkenberg v. Allen*, *supra*. See, *Ullman v. St. Louis Fair Ass'n*, 167 Mo. 273, 66 S. W. 949, 56 L. R. A. 606. Many other cases may be found showing the application of the rule as it has arisen under various forms of illegal contracts. *Wasserman v. Sloss*, 117 Cal. 425, 49 Pac. 566, 38 L. R. A. 176. See *Hooker v. De Palos*, 28 Ohio St. 251; *Pullman Palace Car Co. v. Central Transportation Co.*, 171 U. S. 138. But this rule has been denied by the New York courts where an action was brought on an illegal contract for money paid out for shares of stock, and it was denied that there was a *locus pœnitentiæ* for the party *in pari delicto*, although the contract had not been fully executed. *Knowlton v. Congress, etc., Spring Co.*, 57 N. Y. 518.

It would seem that the rule in the instant case is sound, both on principle and authority; and that there should be a *locus pœnitentiæ* in such illegal agreements, thus encouraging the abandonment of them.

CRIMINAL CONTEMPT—INFORMATION—VERIFICATION.—The defendant was convicted of criminal contempt upon an affidavit or information specifically charging the alleged offense in positive terms, but verified by the district attorney to the effect that the facts were true and correct upon information and belief. *Held*, the affidavit is sufficient. *Creekmore v. United States* (C. C. A.), 237 Fed. 743. See NOTES, p. 667.

CRIMINAL LAW—FORGERY—TRADING STAMPS.—The defendant was charged with forging certain trading stamps. These stamps did not purport on their face to be the pecuniary obligations of anybody. The information alleged, however, that a certain company was under agreement to redeem such stamps, when properly presented, for a valuable consideration. *Held*, a demurrer to the information will lie, since such stamps are not the subject of forgery. *State v. Sisson, et al.* (Mo.), 192 S. W. 454.

It is well established that any instrument which, if genuine, might be the basis of a legal liability, may be the subject of forgery. CLARK & MARSHALL, CRIMES, § 392. It is sufficient that the instrument appear to possess such legal efficacy, even though it would be void on account of extrinsic circumstances. *United States v. Turner*, 7 Pet. 132; *State v. Wheeler*, 20 Or. 190, 10 L. R. A. 779.

The instrument must, however, possess the legal capacity to defraud. *People v. Tomlinson*, 35 Cal. 503; *Arnold v. Cost*, 3 Gill. & J. (Md.) 219, 22 Am. Dec. 302. See *Terry v. Commonwealth*, 87 Va. 672, 13 S. E. 104. Hence, an instrument which, if genuine, would on its face be void for the purpose intended and upon which, therefore, no one would have a right to rely, cannot be the subject of this crime. *Commonwealth v. Cochran*, 143 Ky. 807, 137 S. W. 521; *Bagley v. State*, 63 Tex. Crim. Rep. 606, 141